

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In re Application of)	
)	
K224FG)	BMPFT-20190311ABA
Elohim Group Corporation)	Facility ID: 148598
Carson City, Nevada)	

Informal Objection

Manual J. Martinez, station manager and engineer for KCXU-LP of San Jose, California, files this informal objection on the application for translator facility K224FG. As a long-time resident familiar with the area, a closer review of the proposed location necessitated bringing attention to several issues found with the technical data to the Commission, and should be dismissed.

On March 12, 2019, Application File # BMPFT-20190311ABA appeared in the FCC CDBS portal modifying its location to an area south east of San Jose proper on Channel 225. In the application, the AMSL of the antenna site elevation is stated at 217 meters, with the center of radiation at 9 meters above ground level. A directional antenna is specified as an SCA (presumed 'Scala') Model CL-FM.

The width and angle chosen for the ariel photo would first appear to be an unoccupied area on private property. However the coordinates in NAD 27 land immediately alongside Chaboya Road, a narrow stretch of public road in an area mostly under the jurisdiction of Santa Clara County, with no utility poles along that portion of the route.

Given the extremely limited width, it is unlikely that the county would actually grant a building permit or variance allowing for construction of structure that guarantees safe passage of passing vehicles without a hearing before the county planning commission, which would require submission of building plans made available in advance for public review, an evaluation process involving departmental review, and opportunity for public comment at open hearings. Additionally, any such structures using the public right-of-way may be subject to assessment of fees as required of other utilities, telecom providers, and garbage companies whenever using the public right of way by commercial entities.

Even if the county could waive the above requirements and a monopole somehow constructed in that time, the narrow width of the road leaves leaves no room for any vehicles or containers housing equipment. There are also no roadside electrical facilities on that stretch.

Petitioner is in process of consulting with the planning department to inform them of the application and inquire whether any building permits have actually been applied and/or approved for this facility. Construction will be observed during the weekend, and enforcement will be contacted if necessary.

Petitioner does note that a few utility structures exist on the south side of the roadway, but lack capacity for an antenna and are within a wooded ravine area under the jurisdiction of a neighboring California state park, which must undergo a similar process of permitting, review, and public comment.

If however the applicant actually intends to erect a safe structure onto the property to the north, a new set of issues would be introduced. Placing a safe antenna structure to another area on that property would result higher elevation, which according to elevation profiles extracted via GoogleEarth could be up to 10 meters above the elevation listed in this application, thereby exceeding the provisions of 47 C.F.R. 73.1690.

Also, if the antenna were to be operated up on the property, the protections required by 74.1204(d) and offered in the Engineering Statement could not be guaranteed in regards to KSJO.

Operating from that property under the technical parameters and directional antenna proposed in the instant application could not be covered under this authorization.

For the reasons provided herein, the instant application should be denied and dismissed.

Under penalty of perjury, the undersigned declare under the laws of the United States that the foregoing is true and correct.

Executed on this 12th day of March, 2019.

Respectfully,

/S/
Manu J. Martinez
Station Manager, KCXU-LP
Center For Training And Careers
749 Story Road - Suite 10
San Jose, California 95122

Cc: Santa Clara County Planning Department
Santa Clara Code Enforcement

Attachments:

- Google map – proposed location
- Certificate of Service